

IN THE SENATE OF THE UNITED STATES.

MAY 17, 1858.—Ordered to be printed.

Mr. MALLORY made the following

REPORT.

[To accompany Bill S. 370.]

*The Committee on Claims, to whom was referred the memorial of Dona Guadalupe Estudillo de Arguello, have had the same under consideration and thereupon report:*

This case was considered by the Committee on Claims at the first session of the 32d Congress, and a favorable report was made thereon, accompanied by a bill. This bill passed the Senate, but was not acted on in the House of Representatives.

Subsequently the case was submitted to the "Board for the examination of claims contracted in California under Col. Frémont," who gave the following opinion thereon, to wit:

"This claim, purporting to be for property taken by the Mexican troops, does not appear to come within the province of the board for examination; but from the peculiar circumstances of the case, as set forth in the documents accompanying it, the board desire to call the attention of Congress to the claim as one worthy of its favorable consideration."

The case was again considered by the Senate's Committee on Claims at the 1st session of the 34th Congress, and the following report and bill were reported to the Senate.

IN SENATE, March 23, 1852.

Mr. BRODHEAD made the following report:

*The Committee of Claims, to whom was referred the petition of Santiago E. Arguello, report:*

The petitioner was a wealthy and influential inhabitant of California, residing in the vicinity of San Diego. On the invasion of that country

during the Mexican war, and on the appearance of the proclamation of Commodore Stockton, then in command of that division of the American forces, Arguello placed himself at the head of a company raised through his influence and exertions, and immediately joined the United States forces, and fought with distinguished bravery and effect in several actions, under the command of Commodore Stockton, who fully attests his gallantry and the importance of his services.

On the 25th November, 1846, he was appointed by Governor Stockton a captain of riflemen in the California battalion, and on the 16th January, 1847, a member of the legislative council of that Territory.

In consequence of his attachment to the cause of the United States, and the zeal and activity which he manifested in their service, his *rancho* was ravaged and laid waste, his buildings burnt, and his cattle and other movable effects taken away by the enemy, by which he appears to have been reduced from competence and wealth to penury and dependence.

A commission, appointed by H. Fitch, esq., alcalde of San Diego, to examine and report upon the losses of Arguello, state, under oath, and after a personal examination, that the personal property thus destroyed by the enemy amounted, "at the lowest value," to \$14,888. The items are as follows:

472 tanned deer skins, at \$2 -	-	-	-	-	-	\$944
24 tanned cow hides, at \$6 -	-	-	-	-	-	144
20 mares, at \$10 -	-	-	-	-	-	200
500 head of cattle, at \$20 -	-	-	-	-	-	10,000
250 sheep, at \$4 -	-	-	-	-	-	1,000
42 horses, at \$50 -	-	-	-	-	-	2,100
100 pigs, at \$5 -	-	-	-	-	-	500
Total -	-	-	-	-	-	<u>14,888</u>

These prices of the horses and cattle may have been somewhat enhanced by the demand growing out of the military operations; and the committee have therefore deemed it proper to reduce the valuation of the horses from fifty dollars to thirty dollars each, and of the cattle from twenty dollars to fifteen dollars a head, reducing the total amount to \$11,548, which sum the committee think should be paid.

On leaving California, Governor Stockton, who rendered such valuable, important, and arduous service in that then distant and almost unknown territory, addressed a communication to Arguello, in which, after acknowledging his services, sacrifices, and losses, he says: "I hope—nay, I have not the least doubt—but that the losses which you have sustained will be reimbursed by the government of the United States."

The annexed letter of Commodore Stockton, in answer to inquiries from the committee, is made a part of this report, and referred to as containing a very satisfactory statement of the important services of Mr. Arguello, and of the nature and extent of his losses; and in view of all the circumstances it is deemed to be the dictate of sound policy, as well as of justice and equity, that he should be protected, at least

to the extent proposed in the accompanying bill, from the ruinous losses resulting solely from his devotion to the honor and interests of this government.

The policy of the United States in remunerating those who have testified attachment to our cause and our institutions, by forsaking the cause of an enemy and risking their lives and property in our service, was sanctioned by the early action of the government. In 1818, a committee of the House of Representatives made a report on a claim of this nature, in which they say: "If the liberal policy heretofore pursued by the United States is continued, it would not require much calculation to predict its effects, in the event of another contest." The Senate Committee of Claims, at the second session of the twenty-first Congress, in their report (No. 30) in the case of John Daly, a Canadian refugee, adopt the same principle, and recommend relief, which was granted to the amount of five thousand dollars, "for supplies furnished and assistance rendered to the army of the United States in Canada," &c.

In accordance with these views, the committee report a bill and recommend its passage.

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WASHINGTON, *March 5, 1852.*

SIR: I have received your letter of February 13, ultimo, requesting me "to state" my "personal knowledge of the facts set forth in the petition of Santiago E. Arguello," and also my "opinion in regard to the propriety of paying the whole or any part of his claim."

In answer to your inquiries I reply, that I have no doubt of the truth of the facts on which the claim of Santiago E. Arguello is founded. The losses which he sustained in consequence of his adhesion to the American cause were great, and, in my estimation, would not be overpaid by giving him the sum of \$14,888. His services were most meritorious. He served gallantly under me during my campaigns in California, and it would be no more than justice that he should receive the full amount of his claim. In justification of this opinion, I must add:

1st. Don Santiago E. Arguello was one of the first, after my proclamation, to espouse the American cause, and take up arms in its defence.

2d. He assisted in taking and holding San Diego under the American flag.

3d. He raised a company and served under me during the whole campaign.

4th. He fought most gallantly, side by side with me in every battle, always distinguished.

5th. By his enterprise and boldness he contributed, more than any one else, to supply me with cattle and animals for transportation purposes.

6th. He exercised a powerful and salutary influence in harmonizing and reconciling the Californians to the change of flag.

7th. His family were driven from their home; his house pillaged

and burnt ; his numerous flocks and herds destroyed ; his peons scattered and driven off ; his enclosures and growing crops wantonly laid waste ; and not a vestige of his perishable property left. Thus, at the end of the war he found himself rich in honors, but a houseless, and homeless, and poverty-stricken man.

Permit me further to say, that you will see, by reference to bill No. 8, of the Senate, that if that bill should become a law, it will not cover the case of Don Santiago E. Arguello, but that special legislation will be required for his indemnification.

Yours, respectfully,

R. F. STOCKTON.

Hon. RICHARD BRODHEAD,

*Chairman of Senate Committee of Claims.*

It will be observed that, in the above report, the committee deemed it proper to reduce, to some extent, the value placed upon the horses and cattle by the commission, under the impression that the prices might have been enhanced by the demand growing out of the military operations ; but, in consequence of the long delay to which the claimant has been subjected in obtaining payment for his property, the present committee are of opinion that the full amount of the award ought to be allowed. They therefore report a bill in accordance with these views and recommend its passage.

Your committee, adopting their views, report a bill for the petitioner's relief and recommend its passage.